

**ELECTION COMPLAINT TO THE TEXAS SECRETARY OF STATE**

Docket Number

**OFFICE USE  
ONLY**Date Hand-delivered or Date Postmarked  
/ /

Please read the Important Information at the end of this document. The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. A complaint filed with this form will not alter the results of an election.

This complaint form **MUST BE SIGNED** before it is submitted to the Secretary of State; therefore, you must print it out and sign it before mailing or faxing a copy or emailing a scanned, signed copy.

**I. IDENTITY OF COMPLAINANT**

<b>1 COMPLAINANT NAME</b>	MS / MRS / MR	FIRST	MI
	Mr. Christopher		K
	NICKNAME	LAST	SUFFIX
		Gober	
<b>2 COMPLAINANT PHYSICAL ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE) CITY STATE ZIP CODE		
	2101 Cedar Springs Road, Suite 1050 Dallas TX 75201		
(Full home or business address, including street, city, state, and zip code)			
<b>3 COMPLAINANT MAILING ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE) CITY STATE ZIP CODE		
<input checked="" type="checkbox"/> (check if same as above)	(Full home or business address, including street, city, state, and zip code)		
<b>4 COMPLAINANT TELEPHONE NUMBER</b>	AREA CODE	PHONE NUMBER	EXT
	(214)	842-6825	
<b>5 COMPLAINANT E-MAIL ADDRESS</b>	gober@goberhilgers.com		

**II. IDENTITY OF RESPONDENT**

PERSON OR ENTITY COMMITTING ALLEGED VIOLATION(S)

<b>6 RESPONDENT NAME</b>	MS / MRS / MR	FIRST	MI
	Mr. Teodoro		R
	NICKNAME	LAST	SUFFIX
	Roy	Schmerber	
<b>7 RESPONDENT POSITION OR TITLE</b>	Maverick County Elections Administrator		
<b>8 RESPONDENT PHYSICAL ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE) CITY STATE ZIP CODE		
	500 Quarry, Suite 1 Eagle Pass TX 78852		
(Full home or business address, including street, city, state, and zip code)			
<b>9 RESPONDENT MAILING ADDRESS</b>	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE) CITY STATE ZIP CODE		
	370 Monroe Street, Box 5 Eagle Pass TX 78852		
<input type="checkbox"/> (check if same as above)	(Full home or business address, including street, city, state, and zip code)		
<b>10 RESPONDENT TELEPHONE NUMBER</b>	AREA CODE	PHONE NUMBER	EXT
	(830)	757-4175	
<b>11 RESPONDENT E-MAIL ADDRESS (IF KNOWN)</b>	Unknown		

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NOTICE: THIS COMPLAINT IS NOT CONFIDENTIAL; ONCE FILED WITH THE SECRETARY OF STATE, IT WILL BE TREATED AS PUBLIC RECORD.

Revised 08/01/2010

**III. NATURE OF ALLEGED VIOLATION****Page 2**

If you believe that a criminal violation of the Code has occurred, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of the Code alleged to have been violated, if known. If you need more space, please attach a separate sheet.

Illegal voting in violation of Section 64.012 of the Texas Election Code. For more information, see Section IV below.

Illegal withholding of voting information in violation of Section 87.121 of the Texas Election Code. For more information, see Section IV below.

**ATTACH ADDITIONAL PAGES AS NEEDED**

**IV. STATEMENT OF FACTS****Page 3**

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

ELECTION IN WHICH VIOLATION(S) OCCURRED  
U.S. House of Representatives - District 23

11062012

NAME OF ELECTION

Maverick County

DATE OF ELECTION  
MM/DD/YYYY

All

COUNTY OR POLITICAL SUBDIVISION

PRECINCT

I serve as counsel to Canseco for Congress, Congressman Quico Canseco's campaign committee for the U.S. House of Representatives in Texas' 23rd Congressional District.

On October 29, 2012, Canseco for Congress was provided a list of individuals that Maverick County had recorded as having voted thus far in the 2012 General Election. *See* Attachment. Specifically, these early vote rolls identify all individuals who voted early in Maverick County from October 22 - October 26, and the information was provided to the campaign via fax from the Maverick County Elections Office. Please note that, other than highlighting voter names and VUIDs, the data contained in the attachment is an unaltered version of the information provided directly from the Maverick County Elections Office.

Upon reviewing the list, Canseco for Congress discovered a minimum of 57 DUPLICATE votes that had been counted and included in the early vote rolls. While the campaign also found many more instances of what appears to be the same individuals voting under numerous Voter Unique Identification Numbers (VUIDs), the most apparent evidence of vote fraud is the counting of the same voter's ballot multiple times.

The first page of the attached document, for example, shows duplicate counting that is prevalent throughout the early voter rolls. Precinct 2D in Maverick County has recorded that "5 voters voted in precinct 2D," which is notated at the bottom of the page. Upon examination of these five voters, however, it is clear that one of the voters (in this case, Ismael Salinas, 1041940763) had his ballot counted twice. In other words, this precinct recorded 5 ballots and 5 votes as being cast even though only 4 voters have voted. In a couple of instances, it appears that voters had their ballot counted three times. Overall, it appears that 11.8% of the votes recorded as being cast in Maverick County are duplicates.

Furthermore, the discovery of the duplicate votes follows on the heels of very suspect behavior by the Maverick County Elections Office, Roy Schmerber in particular, that suggests that these duplications are not the result of honest mistakes.

On the evening of October 26, the Maverick County elections department provided Canseco for Congress with copies of the early vote rolls from October 22 and 23, the first two days of early

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**ELECTION IN WHICH VIOLATION(S) OCCURRED**  
U.S. House of Representatives - District 23

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NAME OF ELECTION

Maverick County

DATE OF ELECTION  
MM/DD/YYYY

All

COUNTY OR POLITICAL SUBDIVISION

PRECINCT

voting. Not only was this information illegally withheld from Canseco for Congress for four days in violation of Section 87.121 of the Texas Election Code, but the number of ballots cast on each day was significantly lower than the numbers previously reported earlier in the week by the Maverick County elections department via telephone. **For Monday, the actual voter rolls showed 102 votes, despite the fact that the Maverick County Elections Office had previously told Canseco for Congress that 364 ballots had been cast. For Tuesday, the actual voter rolls showed 21 votes, despite the fact that the Maverick County Elections Office had previously told Canseco for Congress that 402 ballots had been cast.** Based on these gross discrepancies and the overt attempts by Mr. Schmerber to withhold this information (described in some more detail below), Canseco for Congress already had concern (prior to discovering the 57 duplicate votes) that Mr. Schmerber and perhaps some of his employees have attempted to falsify early votes that were not actually cast.

On October 22, Canseco for Congress faxed a formal request for early vote information to the Maverick County elections department and mailed a \$200 Cashier's Check overnight (to the address provided by Mr. Schmerber) as advance payment for the information. On October 23, however, Mr. Schmerber insisted that he had not received payment for the early vote information even though another employee in the County Clerk's office confirmed receipt of the check. Canseco for Congress also had a postal record showing that one of Mr. Schmerber's employees (L. Perez) signed for the Cashier's Check on October 23. For four days, Mr. Schmerber continued to insist that the check had not been received until the evening of Friday, October 26, at which time a Canseco for Congress representative caught Mr. Schmerber in multiple lies and questioned whether his office was engaging in fraudulent activity. Shortly after that call, Canseco for Congress received a copy of the early vote information from the Maverick County Elections Office via fax.

While elections departments can make mistakes, the following facts are highly suspect and warrant a full investigation:

- 11.8% of the votes recorded as being cast in Maverick County are duplicates.
- For the first two days of early voting, the Maverick County Elections Office overstated the early vote totals by 600%. At no point did they correct these overstatements.

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**ATTACH ADDITIONAL PAGES AS NEEDED**

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ELECTION IN WHICH VIOLATION(S) OCCURRED  
U.S. House of Representatives - District 23

11062012

NAME OF ELECTION

Maverick County

DATE OF ELECTION  
MM/DD/YYYY

All

COUNTY OR POLITICAL SUBDIVISION

PRECINCT

- For four days, the Elections Administrator lied to Canseco for Congress representatives to justify not sending them the underlying early vote information, despite evidence confirming that the Maverick County Elections Office had in fact received advance payment for the information.

Ultimately, Canseco for Congress believes this is evidence that Mr. Schmerber and perhaps some of his employees were attempting to falsify as many as 643 early votes (and that is in just two days of early voting) during the period of time when he was illegally withholding the early vote rolls. We further believe that the 57 duplicate votes (and possibly other votes that have been recorded) have been illegally manufactured to cover this spread.

Based on the foregoing, we urge an immediate investigation of these activities and request that inspectors be sent to Maverick County to observe the activities of the Maverick County Elections Office until all legal votes have been confirmed, counted, and finalized.

**ATTACH ADDITIONAL PAGES AS NEEDED**

**V. LISTING OF DOCUMENTS AND OTHER MATERIALS****Page 4**

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

Early Vote Rolls from Maverick County

ATTACH ADDITIONAL PAGES AS NEEDED

**VI. SIGNED STATEMENT****Page 5**

Chris K. Gober

I, \_\_\_\_\_, the undersigned,

PRINTED NAME OF COMPLAINANT

under penalty of perjury do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.

I have read and understand the accompanying instructions, and I am aware that completion of this form cannot and will not alter the outcome of the election.



SIGNATURE OF COMPLAINANT

**NOTICE: THIS COMPLAINT IS NOT CONFIDENTIAL; ONCE FILED WITH THE  
SECRETARY OF STATE, IT WILL BE TREATED AS A PUBLIC RECORD.**

**REMINDER: YOU MUST SIGN THIS FORM PRIOR TO SUBMITTING****IF MAILING, PLEASE SEND TO:**

Texas Secretary of State  
Elections Division  
c/o Legal Dept.  
P.O. Box 12060  
Austin, TX 78711

**IF FAXING, PLEASE SEND TO:**

512.475.2811

**IF EMAILING, PLEASE SEND TO:**

elections@sos.state.tx.us